

1 THE HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,) No. CR18-092-RAJ
11 Plaintiff,)
12 v.) MR. HANSEN'S MOTION TO MODIFY
13 BERNARD ROSS HANSEN,) BOND CONDITIONS
14 Defendant.)
15 _____) **Noted on Motions Calendar: 10/25/19**

16 **I. Motion**

17 The defendant, Bernard Ross Hansen, respectfully requests that his bond conditions be
18 slightly modified to allow him to have contact with a limited subset of former employees of the
19 Northwest Territorial Mint who stopped working at his company at least three years before he
20 declared bankruptcy in early April 2016 and who have not been identified by either party as
21 potential witnesses.

22 Mr. Hansen has worked in the minting business all of his adult life. Given his age and
23 physical limitations, there are few job options available to him. He would like to work in the
24 minting business again. To be clear, he will not seek employment working with precious metals.
25 Instead, he hopes to find employment with a company that either makes or sells medallions made
26 of brass (i.e. challenge coins, souvenir items) or some other non-precious metal.

1 **I. Procedural History.**

2 On April 16, 2018, Mr. Hansen and Ms. Erdmann self-surrendered after being charged
 3 by Indictment charging with 10 counts of mail fraud (Counts 1 through 10), in violation of
 4 18 U.S.C. §§ 1341 and 2, and 10 counts of wire fraud (Counts 11 through 20), in violation of
 5 18 U.S.C. §§ 1343 and 2. On that same date, Mr. Hansen and Ms. Erdmann made their initial
 6 appearances in federal court for an arraignment and detention hearing. Each of them pled not
 7 guilty to all charges and trial is now scheduled for April 13, 2020. Dkt. 120. Mr. Hansen and
 8 Ms. Erdmann were ordered released on appearance bonds, *see e.g.* Dkts. 13, 17, and to date,
 9 remain on pretrial supervision. The appearance bond specifically requires Mr. Hansen to be
 10 employed to seek employment. Dkt 13. However, he is precluded from working in a position in
 11 which there is “actual/potential access to cash or negotiable instruments, or precious metals”
 12 unless the employer is notified and Mr. Hansen has permission from his Pretrial Services Officer.
 13 Dkt. 13 at 1 (emphasis in original).

14 On July 29, 2019, Mr. Hansen was found to have violated the terms of his appearance
 15 bond after having contact with a former customer who was named on the Government’s
 16 preliminary witness list. Dkt. 95. In that instance, Mr. Hansen spoke to a former customer who
 17 came to observe a bankruptcy hearing for Diane Erdmann. At the violation hearing, the former
 18 customer made clear that he did not feel as if Mr. Hansen was trying to intimidate or influence
 19 him.

20 **II. Argument.**

21 The terms of Mr. Hansen’s appearance bond require him to seek employment. Given his
 22 health conditions,¹ his employment opportunities are limited. His only job experience is in the
 23 minting business. He would like to find employment consistent with his past experience and he
 24 believes that line of work is the only likely avenue for him to find employment.

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 26 ¹ Mr. Hansen has chronic pain in one of his legs due to a prior injury. He also reports that he has chronic heart and pulmonary issues. He recently was required to wear a heart monitor for approximately one week.

1 The conditions Mr. Hansen suggests would provide assurance that he will not have
 2 contact with trial witnesses. First, he would be precluded from having contact with any person
 3 identified in the preliminary witness disclosures of either party which have already been
 4 submitted. Mr. Hansen understands that he may not contact any individual from either list.
 5 Second, Mr. Hansen would only have contact prior employees who left the Northwest Territorial
 6 Mint at least three years before he declared bankruptcy in early April 2016. All of the substantive
 7 counts in the Indictment, counts 1-20, allege transactions that took place from July 2014 to 2016.
 8 By limiting his contact with employees who left before April 2013, Mr. Hansen would avoid
 9 contacting an individual who might end up on either party's witness list. Third, Mr. Hansen
 10 would not handle cash or precious metals.

11 The Northwest Territorial Mint operated for many years and employed hundreds of
 12 individuals over the years. The minting business community is small so there are few
 13 employment options available to Mr. Hansen with people who did not once work at his business.

14 Mr. Hansen is trying to comply with the appearance bond requirement that he seek work.
 15 He is also cognizant that he not contact potential witnesses. He is trying to be proceed cautiously
 16 and openly about his employment plans. The modifications he proposes are reasonable and offer
 17 no risk that he would have inappropriate contact with witnesses.

18 **III. Conclusion**

19 For the above stated reasons, the Appearance Bond should be modified as follows:

20 DELETE:

21 You shall not have direct contact or indirect contact with any existing and/or future
 22 witnesses in this case.

23 ADD:

24 You may seek employment in the minting business under the following circumstances:
 25 (1) you shall not have direct contact or indirect contact with any identified witnesses in
 26 this case, including prior customers and employees of the Northwest Territorial Mint,
 except, you may have contact with past employees if they left employment at the Mint
 before April 2013 and the past employee has not been named as a potential witness; and

(2) you may not seek employment in which you would work with precious metals or handle customer cash.

The conditions requiring employer notification and Pretrial Services approval would still apply.

DATED this 17th day of October, 2019.

Respectfully submitted,

s/ *Dennis Carroll*
s/ *Jennifer E. Wellman*
Attorneys for Bernard Ross Hansen

CERTIFICATE OF SERVICE

I certify that on October 17, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties of record.

s/ *Charlotte Ponikvar*
Paralegal